

**REMARKS**

Claims 15-16, 22-26, and 30-40 are currently pending. Applicants respectfully request favorable consideration of the present application in light of the amendments to the claims and the following remarks.

On Page 2 of the Office Action, claims 15, 16, 18, 22-26, 30-31 and 33-40 were rejected under 35 USC 103(a) as being unpatentable over Raymond '331 in view of Feler et al. On Page 3 of the Office Action, claims 15-16, 18, 22-26, 30-31 and 33-40 were rejected under 35 USC 103(a) as being unpatentable over Raymond '153 or '154 in view of Feler et al. On Page 4 of the Office Action, claims 15-16, 18, 22-26, 30, 32-33, 35 and 40 were rejected under 35 USC 103(a) as being unpatentable over Hadzic et al in view of Feler et al. Applicants respectfully traverse these rejections as follows.

Claim 15, as amended, recites "A method for detecting the presence of a nerve adjacent the distal end of at least one probe or surgical tool, comprising: (a) emitting a stimulus pulse from an electrode disposed on a probe or surgical tool *as said probe or tool is introduced towards the patient's spine from a generally lateral direction*; (b) detecting neuro-muscular responses to the stimulus pulse in at least one of a plurality of spinal nerves; and (c) concluding that the electrode disposed on the probe or surgical tool is positioned adjacent to a first spinal nerve when the neuro-muscular response detected in the first spinal nerve is detected as a current intensity level less than or equal to a neuro-muscular response signifying close proximity to the first spinal nerve (emphasis added).

While the cited references (Raymond '331, Raymond '153, Raymond '154, Hadzic et al, and Feler et al) are generally relevant to identifying the location of nerves, none of these references appear to disclose the claimed feature of identifying the location of nerves as a probe or tool is introduced towards the patient's spine from a generally lateral direction as set forth in Claim 15. With these cited references being silent in this regard (along with the other references of in the record), Applicants respectfully submit that one of ordinary skill in the art would not have been led to the present invention (as now claimed) after consulting with the cited references. As such, Applicants respectfully submit that these references, whether taken alone or in combination, fail to contain the requisite teaching or suggestion that would have lead one of ordinary skill in the art to the present invention as set forth in amended claim 15. Claim 15 is believed to be in proper condition for allowance and an indication of such is hereby respectfully requested.

Claims 16, 22-26 and 30-40, being dependent upon and further limiting independent claim 15, should be allowable for the reasons set forth in support of the allowability of claim 15, as well as the additional limitations they contain.

**CONCLUSION**

Favorable consideration and allowance of the claims in this application is respectfully requested. In the event that there are any questions concerning this Amendment or the application in general, the Examiner is cordially invited to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,  
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